

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 SYDRIAN LOFTON,) Case No.: 11-CV-02348-LHK
12 Plaintiff,)
13 v.) ORDER TO SHOW CAUSE WHY CASE
14 DOLLAR TREE INC., MARDESICH) SHOULD NOT BE DISMISSED FOR
15 COMPANY SOUTHGATE, LLC, a California) FAILURE TO PROSECUTE
16 Limited Liability Company,
Defendants.)
_____)

17 The Complaint in this case was filed on May 12, 2011. Because the Complaint asserts
18 violations of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 et seq., General
19 Order 56 applies. Under General Order 56, the Court set a schedule with deadlines for certain
20 events. *See* ECF No. 4.

21 On October 5, 2011, Plaintiff filed a notice of need for mediation between Plaintiff and
22 remaining Defendant Mardesich Company Southgate, LLC. ECF No. 13. The case was
23 automatically referred to court-sponsored mediation on October 7, 2011. *See* ECF Nos. 13-14;
24 General Order 56 (“The matter will then be automatically referred to mediation and the ADR
25 Program will schedule a mediation as soon as possible.”). On November 1, 2011, a mediator was
26 appointed. ECF No. 14. The deadline to conduct the mediation session was 90 days from the
27 referral to mediation. ADR Local Rule 6-4(b).

1 Pursuant to General Order 56, upon completion of the mediation, the parties are required to
2 either inform the Court whether mediation was successful or, if not, request a case management
3 conference. The deadline to complete the mediation has passed, and the parties have not filed
4 either a notice that the case has settled or an administrative motion requesting a case management
5 conference.

6 It is now ten months since the case was filed, and two months since the parties were to have
7 completed mediation. The Court therefore orders the Plaintiff to show cause why the case should
8 not be dismissed for lack of prosecution. Plaintiff shall file this response on or before March 26,
9 2012. A show cause hearing shall be held at 1:30 p.m. on April 12, 2012. Absent a showing of
10 good cause, the case will be dismissed with prejudice.

11 **IT IS SO ORDERED.**

12 Dated: March 12, 2012


LUCY H. KOH
United States District Judge